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T. S. MCGREGOR, CLERK
U. S. BANKRUPTCY COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WASHINGTON

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| In re |) | |
| |) | |
| LOCAL RULES OF BANKRUPTCY PRACTICE |) | ORDER AMENDING LOCAL RULES |
| AND PROCEDURE |) | OF BANKRUPTCY PRACTICE AND |
| |) | PROCEDURES AND ADOPTING |
| |) | INTERIM LOCAL BANKRUPTCY |
| |) | PROCEDURE REGARDING MODIFI- |
| |) | CATION OF AUTOMATIC STAY IN |
| |) | SELECTED CASES |
| |) | |

Pursuant to Local bankruptcy Rule 1, it is hereby ordered that the below listed procedure shall be used in designated cases.

INTERIM LOCAL BANKRUPTCY PROCEDURE REGARDING
MODIFICATION OF AUTOMATIC STAY IN SELECTED CASES

11 U.S.C. 362(e) provides that if a preliminary hearing is not held within 30 days after a request for relief from stay as to property of the estate, or if a final hearing is not held within 30 days following the preliminary hearing, the stay is automatically lifted.

In order to provide a hearing within the above time requirements, the following procedures are hereby established. Failure to follow these procedures will be deemed to be a waiver by the moving party of the automatic lifting provisions of 11 U.S.C. 362(e) and to consent to the continuation of the automatic stay pending the conclusion of the final hearing.

A. The date of the request shall be the date that a notice requesting a modification to the automatic stay is filed pursuant to LR 70(a)(2).

B. Upon receipt of filing of such a notice the court will promptly provide a notice to the moving party, the debtor, debtor's attorney and trustee, of the date set for the preliminary hearing.

C. The preliminary hearing will be by telephonic conference and based on affidavits only, but may be supported by written memorandum.

D. If an objection is received, the moving party must confirm the preliminary hearing by telephone at 509-456-7818. Such confirming of the preliminary hearing may be accomplished as soon as an objection is received but in no event later than 8 calendar days prior to the date set for the hearing.

E. If the notice sent by the moving party allows objections to be filed and served beyond the 15 + 3 days period allowed by LR 41 and BR 9006(f), the moving party will be deemed to have waived the automatic lifting provisions of 11 U.S.C. 362(e) as to any objections filed and served beyond such period.

F. Timing of Filing Affidavits and Supportive Memoranda:

a) Notwithstanding LR 3(b)(2), the moving party shall file and serve affidavits in support of request for modification of stay together with any memoranda of authority at least 6 calendar days before the preliminary hearing.

b) The opposing party shall file and serve responsive affidavits and opposing memoranda of authority at least 3 calendar days before the preliminary hearing.

c) Notwithstanding LR 3(b)(3), a document intended to be considered by the court in connection with a scheduled hearing or a request for modification of stay shall be served and filed in accordance with a) and b) above and a copy shall be delivered to the chambers of the Bankruptcy Judge if the document has not been filed at least 7 calendar days prior to the hearing.

DATED:

October 12, 1988


JOHN A. ROSSMEISSL

UNITED STATES BANKRUPTCY JUDGE